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| Notice of Allowability | Application No. | Applicant(s) | |
| | 09/423,179 | ZWEIGLE, DIETER | |
| | Examiner Steven R Garland | Art Unit 2125 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to the papers filed 3/5/05.
2. The allowed claim(s) is/are 18-26,28-33 renumbered respectively 1-5,8,6,7,9-15.
3. The drawings filed on _____ are accepted by the Examiner.
4. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some* c) None of the:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____ .
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No./Mail Date _____ .
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____ .
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Notice of Draftperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. Notice of Informal Patent Application (PTO-152)
6. Interview Summary (PTO-413),
Paper No./Mail Date _____ .
7. Examiner's Amendment/Comment
8. Examiner's Statement of Reasons for Allowance
9. Other _____.

EXAMINER'S AMENDMENT

1. An extension of time under 37 CFR 1.136(a) is required in order to make an examiner's amendment which places this application in condition for allowance. During a telephone conversations conducted on 3/11/05 and 3/14/05, Mr. Kestenbaum requested an extension of time for 3 MONTH(S) and authorized the Director to charge Deposit Account No. 11-0665 the required fee of \$285.00 for the third month, (two months already having been paid) for this extension and authorized the following examiner's amendment. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

In the claims:

Replace claim 18 by the following

-- 18. An apparatus that optimizes the development of woven fabrics, comprising:

a display device that displays the woven fabrics that are developed in the apparatus,

a structure input device that inputs freely definable fabric structures for woven fabrics,

at least one measuring device for measuring individual yarn diameters, and

a control and evaluation device that controls the woven fabrics and that also controls the at least one measuring device using a serial interface and at the same time the control and evaluation device receives data on a parallel interface between the measuring device and the control and evaluation device,

wherein the structure input device enables inputting and changing the woven fabrics, and

wherein an actual fabric is computed and presented on the basis of the individual yarn diameters and the freely definable structures for woven fabrics,

whereby a defined structure of the fabric is changeable to adapt and optimize the actual fabric to the measured individual yarn diameters. --.

Cancel claim 34.

In the specification and abstract:

Please enter the abstract and substitute specification submitted 5/8/03 (the clean copy) . Note the omission of the marked up copy of the substitute specification was corrected on 6/28/04 and was accompanied with a statement that no new matter was being added.

2. Remarks: the exhibit submitted 3/5/05 of a copy of a real whiteboard and the "Standard method for grading cotton yarns for appearance " has been considered by

the examiner, but does not overcome the prior art rejection set forth in the previous office action.

3. The following is an examiner's statement of reasons for allowance: the primary reason for the allowance of the claims is that in view of amended claims the prior art fails to teach or suggest in the claimed combination the use of a control and evaluation device that controls the woven fabrics and that also controls the at least one measuring device using a serial interface and at the same time the control and evaluation device receives data on a parallel interface between the measuring device and the control and evaluation device as set forth in the claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

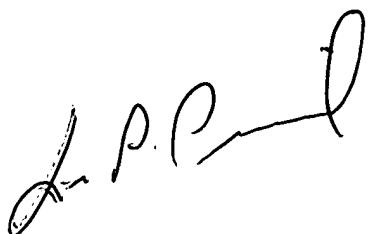
4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven R Garland whose telephone number is 571-272-3741. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached on 571-272-3749. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sru
Steven R Garland
Examiner
Art Unit 2125

3/14/05



LEO PICARD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100